

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

PAULA KUNSMAN,

Plaintiff,

v.

Case No: 5:21-cv-263-MMH-PRL

MICHAEL R BASS and ALAN
FALLIK,

Defendants.

ORDER

In her most recent motion (Doc. 29), Plaintiff, who is proceeding *pro se*, requests appointment of counsel and a stay of her response deadline to Defendant Michael Bass's motion to dismiss until counsel is appointed.

As the Court has previously explained, civil plaintiffs have no right to counsel and the appointment of counsel is appropriate only in exceptional circumstances. *Dean v. Barber*, 951 F.2d 1210, 1216 (11th Cir. 1992). "The key is whether the *pro se* litigant needs help in presenting the essential merits of his or her position to the court." *Kilgo v. Ricks*, 983 F.2d 189, 193 (11th Cir. 1993). Here, Defendant Bass's motion to dismiss does not raise complex legal issues that justify appointment of counsel. The motion focuses on whether the action was properly filed in the Middle District of Florida and whether the factual allegations are legally sufficient. Moreover, there is no basis for this Court to appoint counsel to somehow intervene in the state court proceedings and "restore [Plaintiff's] state court right to be *pro se*." Accordingly, Plaintiff's motion (Doc. 29) is **DENIED**. Plaintiff shall file a response to Defendant Bass's motion to dismiss (Doc. 26) on or before **January 5, 2022**.

Plaintiff is cautioned that despite proceeding *pro se*, she is required to comply with this Court's Local Rules, the Federal Rules of Civil Procedure, and the Federal Rules of Evidence. Plaintiff may obtain a copy of the Local Rules from the Court's website (<http://www.flmd.uscourts.gov>) or by visiting the Office of the Clerk of Court. Also, resources and information related to proceeding in court without a lawyer, including a handbook entitled Guide for Proceeding Without a Lawyer, can be located on the Court's website (http://www.flmd.uscourts.gov/pro_se/default.htm). Plaintiff should also consult the Middle District of Florida's Discovery Handbook for a general discussion of this District's discovery practices (see <http://www.flmd.uscourts.gov/civil-discovery-handbook>).

Plaintiff is reminded that *pro se* litigants may speak with a lawyer for free through the Legal Information Program operated by the Jacksonville Chapter of the Federal Bar on **Tuesdays from 11:00 a.m. to 12:30 p.m.** Although these lawyers will not represent you or draft pleadings for you, they may be able to answer general questions about procedure or other related questions. Due to concerns associated with the current coronavirus pandemic, appointments are required and are conducted by video or telephone conference until further notice. Plaintiff can contact the Jacksonville Division Clerk's Office at (904) 549-1916 to make an appointment.

DONE and ORDERED in Ocala, Florida on December 17, 2021.



PHILIP R. LAMMENS
United States Magistrate Judge

c: Counsel of Record
Unrepresented Parties